

**MISSISSIPPI COURT OF APPEALS
NO. 2015-CA-00107-COA**

NATHAN SINKO

APPELLANT

VS.

STATE OF MISSISSIPPI

APPELLEE

APPEAL FROM THE CIRCUIT COURT OF OKTIBBEHA COUNTY, MISSISSIPPI

MOTION FOR EXPEDITED CONSIDERATION OF APPEAL

Appellant Nathan Sinko (hereinafter “Sinko”) moves the Court for expedited consideration of his appeal. Sinko shows the Court as follows:

1. This appeal attacks a policy change made by the Mississippi Department of Corrections (hereinafter “MDOC”) whereby MDOC determined to deny parole eligibility to hundreds of inmates convicted of drug offenses who had previously been eligible for parole.

2. Prior to the MDOC change, approximately 3,000 inmates, who had been convicted of selling, manufacturing or distributing controlled substances between June 29, 1995 and July 1, 2014, had been released on parole. *See*, Exhibit “B” to Sinko’s Motion for Judicial Notice of Public Documents.

3. In the Summer or Fall of 2014, the MDOC changed its parole policy rendering over 800 inmates convicted of certain drug offenses ineligible for parole. *See*, Exhibit “C” to Sinko’s Motion for Judicial Notice of Public Documents.

4. Additionally, MDOC denied release to 66 persons, including Sinko, who had already been notified of their parole release date. *See*, Exhibit “D” to Sinko’s Motion for Judicial Notice of Public Documents.

5. Contrary to the result in this case, the Circuit Court of Lauderdale County has determined that the MDOC policy change misconstrues current Mississippi law. *See*, Exhibit “A” to Sinko’s Motion for Judicial Notice of Public Documents.

6. Sinko, along with approximately 866 other inmates, are currently being incarcerated while awaiting a decision as to whether or not MDOC’s change in policies violates current Mississippi law, or the Equal Protection Clause of the United States Constitution, Amendment Fourteen. *See*, Sinko’s Appellant Brief filed on June 2, 2015, and *see*, Opinion of Circuit Judge Lester Williamson, Exhibit “A” to Sinko’s Motion for Judicial Notice of Public Documents.

7. The tax payers of the state of Mississippi have a strong interest in allowing those persons who should be eligible for parole to be considered for paroles, *see*, MDOC’s FY 2012 Cost Per Inmate Date for a Model Facility, attached hereto as Exhibit “A,” which documents the cost of \$49.76 per day per inmate as cost of incarceration.

8. The State would suffer no prejudice in having this appeal expedited. Indeed, the State should desire an expedited decision from this Court, so as to give MDOC guidance as to legal parole policies, and so as to avoid possible illegal incarcerations of hundreds of citizens.

RESPECTFULLY SUBMITTED, this the 15th day of July, 2015.

NATHAN SINKO, Appellant

By: /s/ *Jim Waide*

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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

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THIS, the 15th day of July, 2015.

/s/ **Jim Waide**

JIM WAIDE